

TO 14 FEB 2006

10/538405

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313
(317) 231-7433 Fax

IN THE UNITED STATES PATENT OFFICE

<i>Earliest Priority Date:</i>	09 December 2002 (09.12.02)	}
<i>International Serial No.:</i>	PCT/EP2003/013964	}
<i>U.S. Serial No.:</i>	10/538,405	}
<i>Invention:</i>	OPTIMISED PROTEIN SYNTHESIS	}
<i>Applicant:</i>	WATZELE, Manfred; BUCHBERGER, Bernd; PAULUS, Michael	}
<i>International Filing Date:</i>	09 December 2003 (09.12.03)	}
<i>Attorney Docket:</i>	6398-78031	}

CERTIFICATE UNDER 37 C.F.R. § 1.10

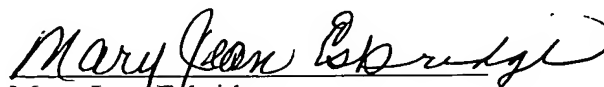
MAIL STOP PCT
Attention: DO/EO/US
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Express Mail" Mailing Label No.: EV 417055375US

Date of Deposit: 14 February 2006 (14.02.06)

I hereby certify that this paper or fee is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.


Mary Jean Eskridge

Indianapolis, Indiana
(317) 231-7303

14 FEB 2006

10/538405
South Meridian Street
Indianapolis, Indiana 46204
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(317) 231-7433 Fax

IN THE UNITED STATES PATENT OFFICE

Earliest Priority Date: 09 December 2002 (09.12.02)

International Serial No.: PCT/EP2003/013964

U.S. Serial No.: 10/538,405

Invention: OPTIMISED PROTEIN SYNTHESIS

Applicant: WATZELE, Manfred;
BUCHBERGER, Bernd; PAULUS,
Michael

International Filing Date: 09 December 2003 (09.12.03)

Attorney Docket: 6398-78031

Certificate Under 37 CFR 1.10

Express Mail No.: EV417055375US

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I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Mary Jean Eskridge
(Signature)

Mary Jean Eskridge
(Typed or Printed Name of Person Mailing Paper or Fee)

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Attn: DO/EO/US--Paulette R. KIDWELL
Mail Stop: PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed 14 October 2005 (14.10.05), applicants submit herewith:

1. a check in the amount of \$580.00 is attached for the surcharge in the amount of \$130.00 and a two-month extension of time from 14 December 2005 to 14 February 2006;

2. a copy of a Power of Attorney to Prosecute Applications Before the USPTO;
3. an executed Statement Under 37 CFR 3.73(b);
4. copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
5. Diskette containing an amended Sequence Listing in computer readable form (PatentIn Ver. 3.3);
6. A paper copy of the amended Sequence Listing;
7. Relevant Statement;
8. Second Preliminary Amendment; and
9. Petition for Two-Month Extension of Time in duplicate.

Please replace the written "Sequence Listing" previously submitted with the national lodging on 09 June 2005, with the amended Sequence Listing submitted concurrently herewith. The content of the paper copy and the disk copy of the amended Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are identical.

The amendments in the Sequence Listing include the following:

- 1) On line <110> for Applicant name, the names of the inventors (WATZELE, Manfred; BUCHBERGER, Bernd; and PAULUS, Michael) have been included in place of "Roche Diagnostics GmbH".
- 2) On line <130> for File reference, our docket number, "6398-78031" has been included in place of "29415pwo".
- 3) On line <140> for Current patent application, "10/538,405" has been included in place of "PCT/EP03".
- 4) On line <141> for Current filing date, "2005-06-09" has been included in place of "2003-12-09".
- 5) On additional line <150> for Prior Application Number, "PCT/EP03/013964" has been added.
- 6) On additional line <151> for Prior Application Filing Date, "2003-12-09" has been added.
- 7) On additional line <150> for Prior Application Number, "DE 10257479.0" has been added.

8) On additional line <151> for Prior Application Filing Date, "2002-12-09" has been added.

9) On line <160> for the number of sequences, "73" has been included in place of "53".

10) On line <170> for Software, "PatentIn Ver. 3.3" has been included in place of "PatentIn Ver. 2.1."

11) For sequence ID numbers 1-49, line <223>, "Synthetic" has been added in front of "Primer".

12) For sequence ID numbers 50-57, line <223>, "Synthetic" has been added in front of "expression".

13) New sequence ID numbers 58-73 have been added. Support for this amendment can be found in amended description.

The amended Sequence Listing, submitted herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter. Applicants believe that the requirements under 37 C.F.R. §§ 1.821 - 1.825 have been met.

It is believed that no fee is due for submission of the amended Sequence Listing in computer readable form. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 10-0435, referencing attorney docket no. 6398-78031. A duplicate of this Response is enclosed.

Respectfully submitted,



Rebecca BALL
Reg. No. 46535
Attorney for Applicants

RLB/mje/780758v1
Indianapolis, Indiana 46204
(317) 231-7511
Attachments: As Stated Above: Nine (9)

FORM #TG-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 2-2005)

ATTORNEY'S POCKET NUMBER

6398-7801

TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.55)

10/538,405

INTERNATIONAL APPLICATION NO.
PCT/EP2003/013964

INTERNATIONAL FILING DATE
09 December 2003 (09.12.03)

PRIORITY DATE CLAIMED
09 December 2002 (09.12.02)

TITLE OF INVENTION

OPTIMISED PROTEIN SYNTHESIS

APPLICANT(S) FOR DO/EO/US

WATZELE, Manfred; BUCHBERGER, Bernd; PAULUS, Michael

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☒ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☒ A power of attorney and/or change of address letter.
19. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. (2 copies)
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 417055375 US
23. ☒ Other items or information:

A. copy of Power of Attorney to Prosecute Applications Before the USPTO;
B. Statement Under 37 CFR 3.73(b);
C. copy of Notification of Missing Requirements Under 35 U.S.C. 371
D. paper copy of the amended Sequence Listing

E. Relevant Statement
F. Certificate Under 37 CFR 1.10
G. Request for Two-Month Extension of Time
H. Response to Notification of Missing Requirements

Under the Paperwork Reduction Act of 1995

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/538,405		PCT/EP2003/013964		6398-78031	
The following fees are submitted:				CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee	\$300	\$	\$0.00		
25. <input type="checkbox"/> Examination fee					
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).		\$100	\$	\$0.00	
All other situations.		\$200			
26. <input type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$100			
International Search Report prepared and provided to the Office		\$400			
All other situations.		\$500	\$	\$0.00	
TOTAL OF 24, 25 and 26 =				\$	\$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	0	/50 =	0	x	\$250.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x	\$50.00	\$ \$0.00
Independent claims	- 3 =	0	x	\$200.00	\$ \$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
SUBTOTAL =				\$	\$0.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$0.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$0.00
Amount to be				\$	
Amount to be				\$	
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>\$580.00</u> to cover the above surcharge and 2-month extension fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>10-0435</u> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
BALL, Rebecca L.					
BARNES & THORNBURG LLP					
11 South Meridian Street					
Indianapolis, IN 46204					
US					
Customer No. 23643					
SIGNATURE					
Rebecca BALL, February 14, 2006					
NAME					
46535					
REGISTRATION NUMBER					

02/17/2006
01 FC:1617

LLANDGRA 00000012 10538405

130.00 DP

surcharge and 2-month extension

to cover the above fees is enclosed.

in the amount of _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 10-0435. A duplicate copy of this sheet is enclosed.Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

BALL, Rebecca L.

BARNES & THORNBURG LLP

11 South Meridian Street

Indianapolis, IN 46204

US

Customer No. 23643

SIGNATURE

Rebecca BALL, February 14, 2006

NAME

46535

REGISTRATION NUMBER



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/538,405	Manfred Watzele	6398-78031

INTERNATIONAL APPLICATION NO.	
PCT/EP03/13964	
I.A. FILING DATE	PRIORITY DATE
12/09/2003	12/09/2002

23643
BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

RECEIVED

OCT 17 2005

BARNES & THORNBURG

CONFIRMATION NO. 4647

371 FORMALITIES LETTER



OC000000017230689

Date Mailed: 10/14/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/09/2005
- Copy of the International Search Report filed on 06/09/2005
- Copy of IPE Report filed on 06/09/2005
- Preliminary Amendments filed on 06/09/2005
- Information Disclosure Statements filed on 06/09/2005
- Biochemical Sequence Diskette filed on 06/09/2005
- Oath or Declaration filed on 06/09/2005
- Biochemical Sequence Listing filed on 06/09/2005
- U.S. Basic National Fees filed on 06/09/2005
- Priority Documents filed on 06/09/2005

DOCKETED
FOR MIS/RES
BY MJE
DATE 27 OCT 05
CHECKED BY _____
DATE _____

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - the declaration was received on 09 June 2005, however a power of attorney is needed
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,405	PCT/EP03/13964	6398-78031